

DISPOSITION: November 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1747. Misbranding of Floxspray, Poultry Inhalant. U. S. v. 13 Bottles of Floxspray, Poultry Inhalant. Default decree of condemnation and destruction. (F. D. C. No. 19213. Sample No. 4624-H.)

LIBEL FILED: February 13, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 14, 1946, by the Fox Co., from Newfield, N. J.

PRODUCT: 3 1-gallon bottles and 10 1-quart bottles of *Floxspray, Poultry Inhalant* at Doylestown, Pa. Examination of a sample showed that the product consisted essentially of mineral oil, with some pine oil, eucalyptus oil, and camphor. The label of the product did not bear a declaration of the quantity of the contents.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the product would be effective in the treatment and prevention of colds in baby chicks and mature poultry, whereas the article would not be effective for those purposes; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1748. Misbranding of condensed buttermilk emulsion. U. S. v. 8 Pails, 2 Barrels, and 11 Kegs of Condensed Buttermilk Emulsion, and 3 circulars. Default decree of condemnation and destruction. (F. D. C. No. 18327. Sample No. 19294-H.)

LIBEL FILED: November 5, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: From La Harpe, Ill., by the La Harpe Creamery Co. The product was shipped on or about September 3, 1945, and the circulars were shipped during the summer of 1944.

PRODUCT: 8 50-pound pails, 2 barrels, and 11 kegs of *condensed buttermilk emulsion*, and 3 circulars entitled "C. B. E. the Quick Way to Profit," at Burlington, Iowa.

LABEL, IN PART: "C. B. E. (Condensed Buttermilk Emulsions) Analysis Protein, not less than 9.0% [or "Protein, not less than 11.0%"] * * * Ingredients: Condensed Buttermilk, Whey, Wheat Germ, Cod Liver Oil."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article would be effective to insure healthy, profitable poultry, to increase egg production, and to correct or prevent necro in swine. The article would not be effective for those purposes.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

1749. Misbranding of Knox-It, Flexo-O Horse Tonic, and Flexo-O Scourene. U. S. v. 502 Cans of Knox-It, 142 Packages of Flexo-O Horse Tonic, and 298 Cans of Flexo-O Scourene. Consent decree of condemnation and destruction. (F. D. C. No. 12892. Sample Nos. 82226-F, 82228-F, 82229-F.)

LIBEL FILED: July 12, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about April 22 and May 15, 1944, by the Syracuse Pharmacal Co., Inc., from Syracuse, N. Y.

PRODUCT: 502 1-pound cans of *Knox-It*, 142 1¾-pound packages of *Flexo-O Horse Tonic*, and 298 1-pound cans of *Flexo-O Scourene* at Upper Montclair and Singac, N. J.

Analysis showed that the *Knox-It* consisted principally of sulfur, slaked lime, iodides, hexamethylenamine, iodoform, copper sulfate, and plant material including wheat middlings, poke root, and licorice; that the *Flexo-O Horse Tonic* consisted essentially of sodium sulfate, sodium bicarbonate, salt, ferrous

sulfate, and plant material including calumba, juniper, sassafras, ginger, fenugreek, nux vomica, and quassia; and that the *Flexo-O Scourene* consisted essentially of calcium carbonate, with small proportions of the phenolsulfonates of zinc, calcium, and sodium.

NATURE OF CHARGE: *Knox-It*, misbranding, Section 502 (a), the name "Knox-It" and the following statements on the label were false and misleading: "Knox-It For minor disturbances of the mammary system * * * A combination of ingredients which tends to condition milch cows * * * Knox-It also tends to build up the resistance of animals and for this purpose a full tablespoonful may be given daily or oftener, to each animal a week or ten days before calving." The name and the statements quoted represented and suggested that the article would be effective in the treatment of disturbances of the mammary system of cattle; and that it would be effective to build up resistance of animals and to prevent any disturbance of the mammary system. The article would not be effective for such purposes.

Flexo-O Horse Tonic, misbranding, Section 502 (a), the name "Horse Tonic" and the following statements on the label were false and misleading: "Horse Tonic. A general tonic * * * tending to restore vigor in horses that show unthriftiness and are in run-down condition. Useful as a spring tonic and in recurrent colic due to indigestion. It has * * * ingredients which * * * sustain the appetite." The name and the statements quoted represented and suggested that the article would be effective as a tonic for horses and as a general tonic; that it would be effective to restore vigor to horses that show unthriftiness and are in run-down condition; that it would be effective in the treatment of recurrent colic due to indigestion; and that it would be effective to sustain the appetite. The article would not be effective for such purposes. Further misbranding, Section 502 (a), the label statement, "iron sulfate, dried (Fe 98%)," was false and misleading since neither the article nor dried iron sulfate contain 98% of iron; and, Section 502 (e), the label failed to bear the common or usual name of each active ingredient since it failed to reveal the presence of sodium sulfate and did not bear the common name of any official drug containing sodium sulfate as an ingredient.

Flexo-O Scourene, misbranding, Section 502 (a), the name "Scourene" and the following statements on the label were false and misleading: "Scourene An Astringent Medication For Intestinal Derangement In Farm and Dairy Animals * * * For Intestinal Infections Shown by Simple Diarrhoea in Farm Animals * * * These ingredients are astringents and have long been used as a corrective medicine in simple scours in calves, colts, pigs, dogs, and lambs and where such contagion exists among fowls. * * * Give Scourene only when needed and only as long as needed." The name and the statements quoted represented and suggested that the article would be effective for scours of farm animals; that it would be effective as an astringent medication for intestinal disturbances of farm and dairy animals; and that it would be effective for intestinal infections and simple diarrhea in farm animals. The article would not be effective for such purposes.

DISPOSITION: -February 5, 1946. The consignee of the products having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered destroyed.

DRUG ACTIONABLE BECAUSE OF DECEPTIVE PACKAGING

1750. Misbranding of cough drops. U. S. v. 80 Boxes of Cough Drops. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 19175. Sample No. 7936-H.)

LIBEL FILED: On or about February 11, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about January 7, 1946, by Cocilana, Inc., from Brooklyn, N. Y.

PRODUCT: 80 boxes, each containing 26 packages, of *cough drops* at Stamford, Conn. Examination showed that the packages of the product were slack-filled in that each contained 24 cough drops, whereas there was sufficient space for an additional 6 cough drops in the package.